

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

GABRIEL LEE OWENS

*

Plaintiff,

*

v.

* CIVIL ACTION NO. 1:05-CV-668-F
(WO)

GENEVA COUNTY JAIL, *et al.*,

*

Defendants.

*

RECOMMENDATION OF THE MAGISTRATE JUDGE

This 42 U.S.C. § 1983 action was filed by Plaintiff on July 20, 2005. On July 26, 2005 the court directed Plaintiff to amend his complaint concerning the factual allegations contained therein. Plaintiff was cautioned that his failure to comply with the court's July 26 order would result in a Recommendation that this case be dismissed.

The requisite time has passed and Plaintiff has filed no response to the court's order directing him to amend his complaint. The undersigned, therefore, concludes that this case is due to be dismissed for Plaintiff's failure to prosecute this action and his failure to comply with the order of the court.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be dismissed without prejudice for Plaintiff's failure to prosecute this action and his failure to comply with the order of the court.

It is further

ORDERED that the parties are DIRECTED to file any objections to the said

Recommendation on or before September 8, 2005. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation objected to. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and recommendations in the Magistrate Judge's report shall bar the party from a *de novo* determination by the District Court of issues covered in the report and shall bar the party from attacking on appeal factual findings in the report accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982). *See Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981, *en banc*), adopting as binding precedent all of the decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981.

Done this 30th day of August, 2005.

/s/ Delores R. Boyd
DELORES R. BOYD
UNITED STATES MAGISTRATE JUDGE